IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 496 of 2004 (M/B)

Inder Preet Singh,
S/o Gurubax Singh,
R/o 73 Gandhi Road,
Dehradun & another. …… Petitioners

Versus

State of Uttaranchal,
Through Secretary, Transport,
Dehradun & others. …..… Respondents

Mr. Alok Singh, learned senior counsel for the petitioners.
Mr. K.P. Upadhyaya, learned Brief Holder for the State.

Coram: Hon. V. S. Sirpurkar, C.J.
Hon. Irshad Hussain, J.

(Per Hon'ble the Chief Justice)

1. Heard Mr. Alok Singh, learned senior counsel on behalf of the petitioners and Mr. K.P. Upadhyaya, learned Brief Holder for the State.

2. This writ petition is against the order by which the petitioners were refused the permits for plying their stage-carriage vehicles. There is clearly a remedy available to the petitioners by way of an appeal under Section 89 of the Motor Vehicles Act.

3. Mr. Alok Singh, learned senior counsel, however with all the possible responsibilities at his command, makes a statement that these appeals are very scarcely decided or are not decided in good time. We, therefore, allow this writ petition to be withdrawn with a direction to the appellate authority to decide the appeal on merits as early as possible and not beyond three months from the date of first notice given to the other side. The pendency of this writ petition before us shall be taken into account while considering the question of condonation of delay.

4. With these directions, the writ petition is disposed of as withdrawn. All the applications in this writ petition are also closed.

(Irshad Hussain, J.) **(V.S. Sirpurkar, C.J.)**
01.10.2004 **01.10.2004**

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